

State of Misconsin 2007 - 2008 LEGISLATURE

LRB-3660/1 RCT:kjf:nwn

## 2007 ASSEMBLY BILL 970

March 13, 2008 – Introduced by Representative BLACK. Referred to Committee on Natural Resources.

1 AN ACT to amend 285.30 (2) (intro.); and to create 285.305 of the statutes; 2 relating to: motor vehicle emissions limitations for greenhouse gases and 3 granting rule-making authority.

## Analysis by the Legislative Reference Bureau

Under the federal Clean Air Act (the act), the federal Environmental Protection Agency (EPA) sets limits on pollutants that may be emitted by motor vehicles. The act generally prohibits states from enacting motor vehicle emissions limitations that differ from the federal limitations, but the act allows California to enact limitations that differ from the federal limitations under certain circumstances. To implement differing limitations, California must obtain a waiver from the EPA administrator. The act allows other states to enact motor vehicle emissions limitations that are identical to limitations for which California has obtained a federal waiver.

California has enacted greenhouse gas emission limitations for passenger cars, light-duty trucks, and medium-duty passenger vehicles. Greenhouse gases are gases that trap heat in the atmosphere. The California limitations basically specify requirements for the average amount of greenhouse gas emissions from vehicles produced by a manufacturer that are delivered for sale in the state (called a fleet average). As of March 10, 2008, California had not received a federal waiver for its greenhouse gas emission limitations.

This bill requires the Department of Natural Resources to promulgate rules specifying emissions limitations for motor vehicles that are identical to the California greenhouse gas exhaust emissions limitations. The bill specifies that the rules do not apply before California receives a federal waiver for its limitations.

## **ASSEMBLY BILL 970**

For further information see the *state* fiscal estimate, which will be printed as an appendix to this bill.

## The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

**SECTION 1.** 285.30 (2) (intro.) of the statutes is amended to read:

2 285.30 (2) LIMITATIONS. (intro.) The department shall adopt rules specifying 3 emissions limitations for all motor vehicles not exempted under sub. (5). The 4 limitations may be different for each size, type and year of vehicle engine affected and 5 may not be more stringent than those required by federal law at the time of the 6 vehicle's manufacture, except as provided in s. 285.305. The limitations shall be 7 adopted and periodically revised upon consideration of the following factors:

8 **SECTION 2.** 285.305 of the statutes is created to read:

9 **285.305** Greenhouse gas emissions limitations. The department shall 10 promulgate rules specifying emissions limitations for motor vehicles that are 11 identical to the California greenhouse gas exhaust emissions standards for 12passenger cars, light-duty trucks, and medium-duty vehicles promulgated under 13 section 43018.5 of the California Health and Safety Code. The department shall ensure that the rules promulgated under this section comply with 42 USC 7507 (2). 1415Rules promulgated under this section do not apply before the administrator of the federal environmental protection agency grants a waiver for the California 1617standards under 42 USC 7543 (b).

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(END)